

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

Claims 1, 12, 13, 34, and 38-40 are currently being amended. Thus, claims 1-40 are presented for examination.

Prior Art Rejections:

Claims 1-7, 10-18, 21-29, 32-35, and 37-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Roth (WO 98/34189). Claims 8-9, 19-20, 30-31, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth (WO 98/34189).

The Examiner's rejections are respectfully traversed.

As amended, claim 1 of the present invention recites an advertisement opportunity trading system with the elements of a distribution accepting unit and a trade process unit. The distribution accepting unit accepts the advertisement after a determination that the advertisement unit is appropriate. The trade process unit performs a process for trading the advertisement opportunity based on the application accepted by said distribution accepting unit. Hence, in this system, only advertisement data accepted as appropriate are entered into the trading process. Therefore, the efficiency of the system is increased because it is not necessary to determine the appropriateness of the advertisement data after a trade is settled, and only accepted appropriate advertisements are traded in the trade process unit. (See page 4, lines 2-12 of the present application.)

Roth does not describe the feature of a distributing accepting unit. The Examiner states in paragraph 8 (pages 26-27) of the Office Action that the bidding agent of Roth performs the same functions as the distribution accepting unit of claim 1. The applicant respectfully disagrees with the Examiner's interpretation of Roth. The Examiner states in paragraph 8: "Roth teaches that advertisers submit data through a bid input system to a

central server which stores these advertisements and information regarding parameters that must be met, and the price the advertiser will pay for the advertisement to be displayed. When a viewing opportunity arises, the bidding agent (distribution accepting unit) evaluates the opportunity against the data submitted to the bid input system and determines whether or not a bid is appropriate. When a bid is determined to be appropriate, the bidding agent then sends the qualified advertisements to the bidding selection logic in order to determine the winning bid or bids.”

In Roth, the determination of “appropriateness” as characterized by the Examiner is in the context of whether the bidding agent should submit a bid or not, and based on the price and other advertiser-determined criteria. Hence, a determination of an “appropriate” opportunity in Roth is a determination of whether a bid should be submitted or not, based on criteria such as the price of the advertisement opportunity. Therefore, what the Examiner describes as the process of determining whether the advertisement is “appropriate” in Roth is part of the bidding or trading process, and clearly indicates something different from how the applicant uses the term “appropriate”.

In claim 1 of the present invention, it is clear that the determination of appropriateness is done before the trade process (corresponding to the bidding process in Roth), and not based on pricing criteria. Claim 1 states that the distribution accepting unit accepts “an application for distribution of the advertisement data from the sponsor **only after** it is determined that the information from the media represents that distribution is appropriate ...” Further, claim 1 states that the trade process unit performs trade “based on application accepted by said distribution accepting unit.” Hence, it is clear that in the system recited in claim 1, the determination of appropriateness occurs before the application for distribution of advertisement data is traded by the trade process unit. By contrast, in Roth, the determination of “appropriateness”, as characterized by the Examiner, is done during the trade process where pricing information is considered.

To emphasize this difference, claim 1 is amended to state that whether the advertisement data is appropriate or not is “based solely on the detailed content of the advertisement data per se.” This is supported by the specification, as the specification

describes the “media” checking whether the advertisement is appropriate by checking “whether there is any flaw in the contents of the advertisement data and the genre information.” (Page 25, line 24-25 of the current specification.) It is noted that, as illustrated in Fig. 6 of the current application, both the genre information 85 and the advertisement data 84 are contents of the advertisement data information 80. This feature distinguishes over the system in Roth, which determines “appropriateness” of a bid based on price and other information.

Similar limitations as discussed above with regard to claim 1 appear in all of applicants’ independent claims.

Inasmuch as Roth does not disclose specific recited elements in applicants’ independent claims, Roth may not be utilized as an anticipatory reference under 35 U.S.C. § 102. In order for a reference to anticipate a claim under 35 U.S.C. § 102, the reference must disclose each and every claim element. As explained above, this is certainly not the case here, and thus the section 102 rejection must be withdrawn. Further, all dependent claims are deemed allowable for at least the same reason as those stated above for the independent claims.

Conclusion:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are

needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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